

REMARKS

Claims 18-34 are pending in this application. By this Amendment, claims 18, 23 and 29 are amended and claim 20 is canceled. Claims 18, 23 and 29 are amended to correct minor informalities. Claim 18 is also amended to include the features of original claim 20. Accordingly, no new matter is added. In view of at least the following remarks, reconsideration and allowance are respectfully requested.

The following claim rejections are made in the Office Action:

(1) claims 18 and 19 are rejected under 35 U.S.C. §102(b) over WO 97/24516 to Jeong et al.;

(2) claims 18 and 20 are rejected under 35 U.S.C. §102(e) over U.S. Patent No. 7,056,365 to Ichikawa et al.;

(3) claims 18 and 22 are rejected under 35 U.S.C. §102(b) over U.S. Patent No. 4,667,469 to Abthoff et al.;

(4) claims 23, 26, 29 and 31-34 are rejected under 35 U.S.C. §102(e) over U.S. Patent Publication No. 2004/0045267 to Ichikawa et al.;

(5) claim 21 is rejected under 35 U.S.C. §103(a) over U.S. Patent No. 5,750,026 to Gadkaree et al. in view of U.S. Patent No. 3,853,485 to Hogan;

(6) claims 24 and 25 are rejected under 35 U.S.C. §103(a) over U.S. Patent Application Publication No. 2004/0045267 to Ichikawa et al. in view of U.S. Patent No. 7,056,365 to Ichikawa et al.;

(7) claim 27 is rejected under 35 U.S.C. §103(a) over U.S. Patent Application Publication No. 2004/0045267 to Ichikawa et al. and U.S. Patent No. 7,056,365 as applied to claims 24 and 25, and further in view of U.S. Patent Application Publication No. 2004/0142145 to Hashimoto et al.;

(8) claim 28 is rejected under 35 U.S.C. §103(a) over U.S. Patent Application Publication No. 2004/0045267 to Ichikawa et al. in view of WO 01/53232 A1 to Nada et al.; and

(9) claim 30 is rejected under 35 U.S.C. §103(a) over U.S. Patent Application Publication No. 2004/0045267 to Ichikawa et al. in view of U.S. Patent No. 4,667,469 to Abthoff et al.

These rejections are respectfully traversed.

Regarding the rejection (2) of claims 18 and 20 under 35 U.S.C. §102(e) over U.S. Patent No. 7,056,365 to Ichikawa et al., Ichikawa does not qualify as prior art under 35 U.S.C. §102(e). MPEP §706.02(f)(1) provides that all references, whether the WIPO publication, or the U.S. patent, of an international application (IA) that was filed on or after November 29, 2000 but was not published in English under PCT Article 21(2) by WIPO, have no §102(e) date at all. Accordingly, since Ichikawa is a national stage of an international application that published (as WO 02/09979) in a non-English language, Ichikawa does not have a §102(e) date. Moreover, Applicants' foreign priority date of February 26, 2002 is before the November 14, 2002 publication date of the corresponding Ichikawa PCT Application. Thus, submission of the attached translation of Applicants' Japanese Priority Application (JP-2002-50087) removes Ichikawa as prior art under 35 U.S.C. §102(a). With respect to rejections (6) and (7), Applicants' submission of the translation of Japanese Priority Application (JP-2002-50087) also removes the references and rejections (6) and (7) as prior art.

Regarding the rejection (3) Applicants submit that Abthoff fails to disclose all of the features recited in independent claim 18. In particular, Abthoff fails to disclose honeycomb filter comprising predetermined through-holes being plugged at one end and remaining through-holes being plugged at the other end.

Abthoff discloses an exhaust gas filter including a plurality of ducts (7) and (8). As shown in Fig. 1 of Abthoff, ducts with reference numeral 7 are closed by a plug (9) at the gas inlet end of the filter. On the other hand, ducts 8 are plugged at predefined distances from the end of the filter. As such, the ducts 8 are not plugged at the end of the filter. Accordingly, Abthoff fails to disclose a filter that is equivalent to that recited in independent claim 18. Thus, Applicants respectfully request withdrawal and reconsideration of the rejection.

Regarding the rejection (4) of claims 23, 26, 29 and 31-34 under 35 U.S.C. §103(e) over U.S. Patent Publication No. 2004/0045267 to Ichikawa et al., Ichikawa is not prior art against this application. Similar to rejection (2), Ichikawa does not qualify as prior art under 35 U.S.C. §102(e) because it does not have a §102(e) date. More specifically, U.S. Patent Publication No. 2004/0045267 to Ichikawa et al. does not have a §102(e) date because the corresponding PCT publication (WO 03/033104) was not published in English. Moreover, the April 24, 2003 publication date of WO 03/033104 is after Applicants' February 25, 2003 International Filing Date, and thus, WO 03/033104 also is not prior art under §102(a). Thus, rejections (6)-(9) also are overcome. Withdrawal of the rejections are respectfully requested.

Regarding rejection (5), Applicants submit that the rejection is improper because claim 21 depends from claim 18, and the Examiner has rejected claim 21 without relying on a reference that was used to reject claim 18. Withdrawal of the rejection is respectfully requested.

Regarding the rejection (1) of claims 18 and 19 under 35 U.S.C. §102(b) over WO 97/24516 to Jeong et al., Applicants submit that Jeong fails to disclose all of the features recited in amended claim 18. In particular, Jeong fails to disclose a honeycomb filter "wherein in the section of the honeycomb filter perpendicular to the axial direction, a thickness of the partition wall in the central part is set to be larger than that of the partition wall in the peripheral part."

Jeong discloses a filter (4) including partition walls that form exhaust inlet parts (37). See, for example, Figures 8 and 9. However, the section of the honeycomb filter perpendicular to the axial direction does not have a central part having a partition wall with a thickness that is larger than that of the partition wall in the peripheral part. The thickness of the partition walls in the central part is the same as the thickness of the partition wall in the peripheral part. See, for example, Figs. 8 and 9. Accordingly, the honeycomb filter of Jeong is not equivalent to that recited in independent claim 18. Withdrawal of the rejection is respectfully requested.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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JAO:TSS/tbm

Attachment:

Translation of Japanese Priority Application (JP-2002-50087)

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